

there is no other alternative than to apply every available means to bring it to a swift end. War's very object is victory, not prolonged indecision.

In war indeed there can be no substitute for victory.

There are some who for varying reasons would appease Red China. They are blind to history's clear lesson, for history teaches with unmistakable emphasis that appeasement but begets new and bloodier wars. It points to no single instance where this end has justified that means, where appeasement has led to more than a sham peace. Like blackmail, it lays the basis for new and successively greater demands until, as in blackmail, violence becomes the only other alternative. Why, my soldiers asked me, surrender military advantages to an enemy in the field? I could not answer.

Some may say to avoid spread of the conflict into an all-out war with China. Others, to avoid Soviet intervention. Neither explanation seems valid, for China is already engaging with the maximum power it can commit, and the Soviet will not necessarily mesh its actions with our moves. Like a cobra, any new enemy will more likely strike whenever it feels that the relativity of military and other potentialities is in its favor on a world-wide basis.

The tragedy of Korea is further heightened by the fact that its military action was confined to its territorial limits. It condemns that nation, which it is our purpose to save, to suffer the devastating impact of full naval and air bombardment while the enemy's sanctuaries are fully protected from such attack and devastation.

Of the nations of the world, Korea alone, up to now, is the sole one which has risked its all against Communism. The magnificence of the courage and fortitude of the Korean people defies description. They have chosen to risk death rather than slavery. Their last words to me were: "Don't scuttle the Pacific."

I have just left your fighting sons in Korea. They have done their best there, and I can report to you without reservation that they are splendid in every way.

It was my constant effort to preserve them and end this savage conflict honorably and with the least loss of time and a minimum sacrifice of life. Its growing bloodshed has caused

me the deepest anguish and anxiety. Those gallant men will remain often in my thoughts and in my prayers always.

I am closing my fifty-two years of military service. When I joined the Army, even before the turn of the century, it was the fulfillment of all my boyish hopes and dreams. The world has turned over many times since I took the oath at West Point, and the hopes and dreams have all since vanished, but I still remember the refrain of one of the most popular barracks ballads of that day which proclaimed most proudly that old soldiers never die—they just fade away. And like the old soldier of that ballad, I now close my military career and just fade away, an old soldier who tried to do his duty as God gave him the light to see that duty. Good-by.

#### Adjournment

On motion of Senator Hudson, the Senate at 12:45 o'clock p.m. adjourned until 10:30 o'clock tomorrow.

#### FIFTY-EIGHTH DAY

(Tuesday, April 24, 1951)

The Senate met at 10:30 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Lane
Ashley	Lock
Bell	Martin
Bracewell	McDonald
Bullock	Moffett
Carney	Nokes
Carter	Parkhouse
Colson	Phillips
Corbin	Russell
Fuller	Shofner
Hardeman	Strauss
Hazlewood	Tynan
Hudson	Wagonseller
Kelley of Hidalgo	Weinert
Kelly of Tarrant	

#### Absent

Vick

#### Absent—Excused

Moore

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

#### Leave of Absence

Senator Moore was granted leave of absence for today on account of important business on motion of Senator Corbin.

#### Reports of Standing Committees

Senator Bullock submitted the following report:

Austin, Texas,  
April 23, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Towns and City Corporations, to whom was referred H. B. No. 227, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

BULLOCK, Chairman

Senator Carter submitted the following report:

Austin, Texas,  
April 24, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred S. B. No. 433, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

CARTER, Chairman

Senator Bracewell submitted the following report:

Austin, Texas,  
April 24, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred H. B. No. 539, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

BRACEWELL, Chairman

Senator Wagonseller submitted the following reports:

Austin, Texas,  
April 23, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Military and Veterans' Affairs, to whom was referred H. B. No. 651, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WAGONSELLER, Chairman

Austin, Texas,  
April 23, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Military and Veterans' Affairs, to whom was referred H. B. No. 721, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WAGONSELLER, Chairman

Senator Bell submitted the following reports:

Austin, Texas,  
April 24, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred H. B. No. 311, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that committee substitute in lieu thereof do pass, and be printed.

BELL, Chairman

C. S. H. B. No. 311 was read first time.

Austin, Texas,  
April 24, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred S. B. No. 276, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

BELL, Chairman

Senator Kelley of Hidalgo submitted the following reports:

Austin, Texas,  
April 23, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Water Rights, Irrigation and Drainage, to whom was referred H. B. No. 461, have had the same under considera-

tion, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

KELLEY of Hidalgo, Chairman

Austin, Texas,  
April 23, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Water Rights, Irrigation and Drainage, to whom was referred H. B. No. 579, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

KELLEY of Hidalgo, Chairman

Austin, Texas,  
April 23, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Water Rights, Irrigation and Drainage, to whom was referred H. B. No. 485, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

KELLEY of Hidalgo, Chairman

Senator Carney submitted the following reports:

Austin, Texas,  
April 24, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred Senate Bill No. 435, have had the same under consideration, and we are reporting it back to the Senate with the recommendation that it do pass and be printed.

CARNEY, Chairman

Austin, Texas,  
April 24, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred H. B. No. 124, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

CARNEY, Chairman

Senator Weinert submitted the following reports:

Austin, Texas,  
April 24, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Rules, to whom was referred H. B. No. 700, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

WEINERT, Chairman

Austin, Texas,  
April 24, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Rules, to whom was referred H. B. No. 560, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

WEINERT, Chairman

Senator Hudson submitted the following report:

Austin, Texas,  
April 23, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Oil, Gas and Conservation, to whom was referred H. B. No. 339, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

HUDSON, Chairman

Senator Bullock submitted the following reports:

Austin, Texas,  
April 24, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Towns and City Corporations, to whom was referred H. B. No. 719, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

BULLOCK, Chairman

Austin, Texas,  
April 24, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Towns and City Corporations, to whom was referred H. B. No. 611, have had the same under consideration, and I am

instructed to report it back to the Senate with the recommendation that it do pass and be printed.

BULLOCK, Chairman

Austin, Texas,  
April 24, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Towns and City Corporations, to whom was referred H. B. No. 407, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

BULLOCK, Chairman

Senator Bracewell submitted the following report:

Austin, Texas,  
April 24, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred H. B. No. 201, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

BRACEWELL, Chairman

Senator Aikin submitted the following reports:

Austin, Texas,  
April 23, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Education, to whom was referred H. B. No. 236, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman

Austin, Texas,  
April 24, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Education, to whom was referred H. B. No. 710, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman

Austin, Texas,  
April 23, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Educa-

tion, to whom was referred H. B. No. 468, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman

Austin, Texas,  
April 24, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Education, to whom was referred H. B. No. 312, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that the committee substitute, in lieu thereof, do pass and be printed.

AIKIN, Chairman

C. S. H. B. No. 312 was read first time.

Senator Bullock submitted the following report:

Austin, Texas,  
April 9, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Towns and City Corporations, to whom was referred H. B. No. 681, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

BULLOCK, Chairman

Senator Tynan submitted the following report:

Austin, Texas,  
April 24, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Public Health, to whom was referred House Bill No. 672, have had the same under consideration, and we are instructed to report it back with the recommendation that it do pass and be not printed.

TYNAN, Chairman

Senator Aikin submitted the following report:

Austin, Texas,  
April 23, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Education, to whom was referred S. B. No. 423, have had the same under consideration, and I am instructed to

report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman

Senator Carney submitted the following report:

Austin, Texas,  
April 24, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred S. B. No. 434, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

CARNEY, Chairman

#### Message From the House •

Hall of the House of Representatives,  
Austin, Texas,  
April 23, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. J. R. No. 22, Proposing an Amendment to the Constitution of Texas by adding to Article XVI thereof a new Section to be numbered 63 and authorizing the Legislature to provide for a statewide system of retirement and disability pensions for appointive officers and employees of the several counties of this State; providing that participation therein by counties shall be voluntary, and authorized by the qualified voters of such county, and providing that administration of said system may be committed to the same body set up to administer the statewide municipal retirement system authorized under Section 51f of Article III.

The House has concurred in Senate amendments to House Bill No. 24 by vote of 117 yeas, 0 nays.

The House has concurred in Senate amendments to House Bill No. 51 by vote of 85 yeas, 40 nays.

The House has concurred in Senate amendments to House Bill No. 234 by vote of 115 yeas, 1 nay.

S. C. R. No. 45, Authorizing the Texas College of Arts and Industries to accept the donation of certain tracts of land from King Ranch and Mr. Lon Hill.

The House has adopted the Conference Committee Report on House Bill No. 102 by a vote of 118 yeas, 0 nays.

The House has adopted the Conference Committee Report on Senate Bill No. 210 by a vote of 116 yeas, 1 nay.

The House has granted the request of the Senate for a conference committee on Senate Bill No. 38. The following have been appointed on the part of the House: Abington, Buchanan, Cheatham, Ehlert, Huffman.

H. C. R. No. 73, Suspending the Joint Rules of the House and Senate so that H. B. No. 158 and H. B. No. 726 may be taken up and considered at any time.

The House has concurred in Senate amendments to House Bill No. 242 by vote of 100 yeas, 1 nay and 1 present not voting.

The House has concurred in Senate amendments to House Bill No. 224, by vote of 102 yeas, 2 nays, and 1 present not voting.

Respectfully submitted,

CLARENCE JONES,  
Chief Clerk, House of Representatives.

#### Senate Resolution 179

Senator Ashley offered the following resolution:

Whereas, We are honored today to have in the gallery the Seventh Grade Class of the Manor Elementary School, accompanied by their teachers, Mrs. R. N. Perrine, Mrs. Mason, and Mrs. Samuel; and

Whereas, These students and guests are on an educational tour of the Capitol Building and the Capital City; now, therefore, be it

Resolved, That these individuals be officially welcomed and recognized by the Senate, and that they be extended the courtesies of the floor for the day, and that each member of this class be furnished with a copy of this resolution.

The resolution was read and was adopted.

#### Conference Committee on House Bill 75

The President announced the appointment of the following Conference committee on H. B. No. 75 on the

part of the Senate: Senators Moffett, Carney, Hazlewood, Lane and Hardeman.

#### Senate Bill 436 on First Reading

Senator Bracewell moved that Senate Rule 114, and Section 5 of Article III of the Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

#### Yeas—29

Aikin	Lane
Ashley	Lock
Bell	Martin
Bracewell	McDonald
Bullock	Moffett
Carney	Nokes
Carter	Parkhouse
Colson	Phillips
Corbin	Russell
Fuller	Shofner
Hardeman	Strauss
Hazlewood	Tynan
Hudson	Wagonseller
Kelley of Hidalgo	Weinert
Kelly of Tarrant	

#### Absent

Vick

#### Absent—Excused

Moore

The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Bracewell:

S. B. No. 436, A bill to be entitled "An Act amending Section 3 of House Bill 575, Chapter 87, Acts of the Forty-third Legislature, Regular Session, 1933, so as to clarify the salute to the Texas Flag; and declaring an emergency."

To Committee on State Affairs.

#### Message From the Governor

The following message, received from the Governor today, was read and was referred to the Committee on Nominations of the Governor:

Austin, Texas,  
April 24, 1951.

To the Senate of the Fifty-second Legislature:

I ask the advice, consent and confirmation of the Senate with respect to the following appointment:

To be Judge of the 88th Judicial District Court: H. A. Coe of Kountze, Hardin County.

Respectfully submitted,  
ALLAN SHIVERS,  
Governor of Texas.

#### Report of Conference Committee on House Bill 18

Senator Hazlewood submitted the following Conference Committee report on H. B. No. 18:

Austin, Texas,  
April 24, 1951.

Hon. Ben Ramsey, President of the Senate;

Hon. Reuben Senterfitt, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on H. B. No. 18, have met and had same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

HAZLEWOOD  
LANE  
TYNAN  
PARKHOUSE  
HUDSON

On the part of the Senate.

MERIDITH  
SEWELL  
LATIMER  
COBB

On the part of the House.

#### H. B. No. 18

#### AN ACT

To clarify and amend the Laws of Texas relating to Optometry, by amending Articles 4561, 4562, 4565 and 4565a of the Revised Civil Statutes of Texas, 1925, as amended, and Article 735 of the Penal Code of Texas, 1925; providing for registration and display of license; prescribing examination fee and renewal fee and disbursement thereof; defining terms; specifying acts constituting penal offenses in connection with the practice of optometry and providing penalty therefor; declaring legislative intent; repealing all laws and parts of laws in conflict with this Act and declaring that the remainder of the Act shall not be affected by the unconstitutionality of any part thereof; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. That Article 4561, of the Revised Civil Statutes of Texas, 1925, be amended so as to hereafter read as follows:

"Article 4561. It shall be unlawful for any person to practice optometry within the limits of this State who has not registered and recorded his license in the Office of the County Clerk of the county in which he resides, and in each county in which he practices, together with his age, post office address, place of birth, subscribed and verified by his oath. The fact of such oath and record shall be endorsed by the County Clerk upon the license. The absence of record of such license in the office of the County Clerk shall be prima facie evidence of the lack of the possession of such license to practice optometry."

Sec. 2. That Article 4562, of the Revised Civil Statutes of Texas, 1925, be amended so as to hereafter read as follows:

"Article 4562. Each County Clerk in this State shall purchase a book of suitable size, to be known as the 'Optometry Register' of such county, and set apart at least one full page for the registration of each optometrist, and record in said optometry register the name and record of each optometrist who presents for record a license or certificate issued by the State Board of Examiners in Optometry. The County Clerk shall receive One Dollar (\$1) for each document registered, as provided in this Article, which shall be his full compensation for all duties herein required. When an optometrist shall have his license revoked, suspended, or cancelled, said County Clerk, upon being notified by the Board, shall make a note of the fact beneath the record in the optometry register, which entry shall close the record and be prima facie evidence of the fact that the license has been so cancelled, suspended or revoked. The County Clerk of each county shall, upon the request of the Secretary of the Board, certify to the Board of Examiners a correct list of the optometrists then registered in the county, together with such other information as the Board may require."

Sec. 3. That Article 4565, of the Revised Civil Statutes of Texas, 1925, as amended, be amended so as to hereafter read as follows:

"Article 4565. The Board shall charge a fee of Thirty-five Dollars

(\$35) for examining an applicant for license, which fee must accompany the application. If the applicant who, because of failure to pass the examination, be refused a license, he shall be permitted to take a second examination upon payment of Twelve Dollars and Fifty Cents (\$12.50), provided the second examination is taken within a period of one (1) year. The fee for issuing a license shall be Twenty-five Dollars (\$25) to be paid to the Secretary of the Board. If anyone successfully passing the examination and meeting the requirements of the Board has not paid the fee for issuance of a license within ninety (90) days after having been notified by registered mail at the address given on his examination papers, or at the time of the examination that he is eligible for same, such person shall by his own act have waived his right to obtain his license, and the Board may at its discretion refuse to issue such license until such person has taken and successfully passed another examination.

"The fund realized from all fees payable under this Act shall first be applied to the payment of all necessary expenses of the Board, and the remainder shall be applied, by order of the Board, to compensate members of said Board. The compensation of the members of the Board shall be a per diem of Ten Dollars (\$10) per day for each day they are actually engaged in performing their duties; provided however, they shall not draw compensation for more than forty (40) days in any one fiscal year, and in addition to the per diem provided for herein, they shall be entitled to their actual traveling expenses in performance of their duties. Each Board member shall make out, under oath, a complete statement of the number of days engaged and the amount of his expenses when presenting same for payment.

"The Secretary of the Board shall receive compensation to be set by the Board exclusive of necessary expenses in the performance of his duties.

"On August 31st of each year, all money received from annual renewal fees in excess of Ten Thousand Dollars (\$10,000) remaining in said fund derived from said annual renewal fees shall be deposited in the General Revenue Fund of the State Treasury, and no appropriation shall ever be made from the State Treasury for any expenditure made necessary by this law."

Sec. 4. That Article 4565a, Revised Civil Statutes of Texas, 1925, as amended, be amended so as to hereafter read as follows:

"Article 4565a. On or before the first day of January of each year, every licensed optometrist in this State shall pay to the Secretary-Treasurer of the Texas State Board of Examiners in Optometry an annual renewal fee of Twenty Dollars (\$20) for the renewal of his license to practice optometry for the current year. On receipt of said renewal fee, the Board shall issue an annual renewal certificate bearing the number of his license, the year for which renewed, and such other information for the records of the Board as said Board may deem necessary for the proper enforcement of this Act. When an optometrist shall fail to pay his annual renewal fee by March 1st of each year, it shall be the duty of the Board to notify such optometrist by registered mail at his last known address that said annual renewal fee is due and unpaid. Provided, that if said annual renewal fee is not paid within sixty (60) days from the date of mailing of such notice, the Board shall then cancel said license. The Board shall notify the County Clerk of the county in which such license may have been recorded of such cancellation, and such clerk, upon receipt of such notice from said Board, shall enter upon the optometry register of such county the fact that such license has been cancelled for nonpayment of annual renewal fee and shall notify the Board in writing that such entry has been made. Practicing optometry without an annual renewal certificate for the current year as provided herein, shall have the same force and effect and be subject to all penalties of practicing optometry without a license. After the Board has cancelled a license as provided for in this Article, the Board may thereafter, in its discretion, refuse to issue a new license until such optometrist whose license has been cancelled for nonpayment of annual renewal fee, has passed the regular examination for license as provided for by this Act.

"If any license issued under this law shall be lost or destroyed, the holder of said license shall make an affidavit of its loss or destruction, and that he is the same person to whom such license was issued, and such other information as may be desired by the Board, and shall, upon pay-

ment of a fee of Two Dollars and Fifty Cents (\$2.50) be granted a license under this law.

"Any licensed optometrist whose renewal certificate has expired while he has been engaged in Federal Service or in active duty with the Army of the United States, the United States Navy, the United States Marine Corps, the United States Coast Guard, the United States Maritime Service or the State Militia called into service or training or education under the supervision of the United States, preliminary to induction into the military service, may have his renewal certificate reinstated without paying any lapsed renewal fee or registration fee, or without passing an examination, if within one (1) year after termination of said service, training or education, other than by dishonorable discharge, he furnishes the State Board of Examiners in Optometry with affidavit to the effect that he has been so engaged and that his service, training or education has been so terminated."

Sec. 5. That Article 735 of the Penal Code of Texas, 1925, be amended so as to hereafter read as follows:

"Article 735. The practice of optometry is defined to be the employment of objective or subjective means, without the use of drugs, for the purpose of ascertaining and measuring the powers of vision of the human eye, and fitting lenses or prisms to correct or remedy any defect or abnormal condition of vision. Nothing herein shall be construed to permit optometrists to treat the eyes for any defect whatsoever in any manner nor to administer or prescribe any drug or physical treatment whatsoever, unless such optometrist is a regular licensed physician or surgeon under the laws of this State. No person shall practice optometry within this State who has not registered in the County Clerk's office of the county in which he resides, and in each county in which he practices, his license for so practicing, together with his age, post office address, place of birth, subscribed and verified by his oath. The fact of such oath and record shall be endorsed by the County Clerk upon the license. The absence of record of such license in the County Clerk's office shall be prima facie evidence of the lack of possession of such license."

Sec. 6. All laws or parts of laws in conflict with this Act shall be repealed.



Sec. 7. If any Article, section, subsection, sentence, clause or phrase of this Act is, for any reason, held to be unconstitutional, such decision shall not affect the validity of any remaining portions of this Act. The Legislature hereby declares that it would have passed this Act, and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases thereof are declared unconstitutional.

Sec. 8. The fact that the existing law does not provide an adequate method of regulation and enforcement of the provisions of this Act, and the further fact that the Calendars of the Senate and the House are now in a crowded condition, and for the protection of public health and public welfare, create an emergency and an imperative public necessity that the constitutional rule requiring that bills be read on three separate days in each House be, and the same is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

The report was read and was adopted.

#### Record of Votes

Senators Aikin and Fuller asked to be recorded as voting "nay" on the adoption of the Conference Committee report on H. B. No. 18.

#### Senate Concurrent Resolution 48 with House Amendments

Senator Lane called S. C. R. No. 48 from the President's table for consideration of the House amendments to the resolution.

The President laid the resolution and House amendments before the Senate, and the House amendments were read.

Senator Lane moved that the Senate concur in the House amendments.

The motion prevailed.

#### Senate Bill 408 on Second Reading

On motion of Senator Bell and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 408, A bill to be entitled "An Act creating an additional District Court, with civil jurisdiction only, in and for De Witt, Goliad, Jackson, Refugio, Calhoun and Victoria Counties, to be known as the 135th District Court; adjusting the business of the 24th District Court to the business thereof; providing for the appointment of a District Judge therefor; providing for a clerk; providing for the appointment of an official shorthand reporter and fixing his salary; fixing the terms of the 135th District Court created hereby; providing for the transfer of civil cases between said courts and for the exchange of benches; providing for the method of selecting qualified jurors in both said courts; repealing all laws in conflict herewith to the extent of such conflict only; and declaring an emergency."

The bill was read second time and passed to engrossment.

#### Senate Bill 408 on Third Reading

Senator Bell moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 408 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—25

Aikin	Kelly of Tarrant
Ashley	Lane
Bell	Moffett
Bracewell	Nokes
Bullock	Parkhouse
Carney	Phillips
Carter	Russell
Colson	Shofner
Corbin	Strauss
Fuller	Tynan
Hazlewood	Wagonseller
Hudson	Weinert
Kelley of Hidalgo	

Nays—4

Hardeman	Martin
Lock	McDonald

Absent

Vick

Absent—Excused

Moore

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas—21

Ashley	Lane
Bell	Moffett
Bracewell	Parkhouse
Bullock	Phillips
Carney	Russell
Colson	Shofner
Corbin	Strauss
Fuller	Tynan
Hudson	Wagonseller
Kelley of Hidalgo	Weinert
Kelly of Tarrant	

## Nays—6

Aikin	Martin
Hardeman	McDonald
Lock	Nokes

## Absent

Carter	Vick
Hazlewood	

## Absent—Excused

Moore

## House Bill 560 on Second Reading

On motion of Senator Weinert, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 560, A bill to be entitled "An Act providing that no County having a population of not less than twenty-five thousand two hundred (25,200), nor more than twenty-five thousand five hundred (25,500), and no County having a population of not less than eight thousand nine hundred sixty (8,960), nor more than eight thousand nine hundred ninety (8,990), all according to the preliminary census of 1950 issued by the United States Department of Commerce, September 14, 1950, shall have a County Auditor; abolishing the office of County Auditor in such Counties; and declaring an emergency."

The bill was read second time and passed to third reading.

## House Bill 560 on Third Reading

Senator Weinert moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 560 be

placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—27

Aikin	Lock
Ashley	Martin
Bell	McDonald
Bracewell	Moffett
Bullock	Nokes
Carney	Parkhouse
Colson	Phillips
Corbin	Russell
Fuller	Shofner
Hardeman	Strauss
Hudson	Tynan
Kelley of Hidalgo	Wagonseller
Kelly of Tarrant	Weinert
Lane	

## Absent

Carter	Vick
Hazlewood	

## Absent—Excused

Moore

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

## Senate Resolution 180

Senator Bracewell offered the following resolution:

Whereas, We are honored today to have in the gallery the Senior Class of Spring High School, Harris County, Texas, together with their teachers, Mrs. Carrie Tomlinson and Mr. L. E. Smith; and

Whereas, These students and guests are on an educational tour of the Capitol Building and the Capital City; now, therefore, be it

Resolved, That these individuals be officially welcomed and recognized by the Senate, and that they be extended the courtesies of the floor for the day.

The resolution was read and was adopted.

## House Bill 700 on Second Reading

On motion of Senator Weinert, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 700, A bill to be entitled "An Act amending Subdivision 8 of Article 4331 of the Revised Civil Statutes of Texas, 1925, so as to provide that the Secretary of State shall distribute to the Governor and heads of departments, and to each member of the Legislature, a copy of the printed journals of both Houses; and declaring an emergency."

The bill was read second time and passed to third reading.

#### House Bill 700 on Third Reading

Senator Weinert moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 700 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26

Aikin	Lane
Ashley	Lock
Bell	Martin
Bracewell	McDonald
Bullock	Moffett
Carney	Parkhouse
Colson	Phillips
Corbin	Russell
Fuller	Shofner
Hardeman	Strauss
Hudson	Tynan
Kelley of Hidalgo	Wagonseller
Kelly of Tarrant	Weinert

Absent

Carter	Nokes
Hazlewood	Vick

Absent—Excused

Moore

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—28

Aikin	Hudson
Ashley	Kelley of Hidalgo
Bell	Kelly of Tarrant
Bracewell	Lane
Bullock	Lock
Carney	Martin
Carter	McDonald
Colson	Moffett
Corbin	Nokes
Fuller	Parkhouse
Hardeman	Phillips

Russell	Tynan
Shofner	Wagonseller
Strauss	Weinert

Absent

Hazlewood	Vick
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Absent—Excused

Moore

(Senator Weinert in Chair)

#### Senate Bill 413 on Second Reading

On motion of Senator Phillips, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 413, A bill to be entitled "An Act transferring to the Governor all powers, duties, prerogatives, rights and functions now held, exercised or performed by the State Board of Control and the Division of Estimates and Appropriations with respect to the compilation of biennial appropriation budgets; abolishing the Division of Estimates and Appropriations of the State Board of Control; transferring appropriations to such Division to the Governor and authorizing their expenditure, etc.; and declaring an emergency."

The bill was read second time.

Senator Phillips offered the following amendment to the bill:

Amend Section 3 of Senate Bill 413 by substituting the phrase "not later than August 15 of each year preceding the regular biennial session," for the present phrase "not later than October 15 of each year preceding the regular biennial session."

The amendment was adopted.

Senator Phillips offered the following amendment to the bill:

Amend Section 5 of Senate Bill No. 413 by striking the words that follow the phrase "to provide as follows," and substituting therefor the following:

"The Governor is hereby authorized to collaborate with the Legislative Budget Board in designing and preparing uniform budget estimate blanks upon which all requests for appropriations from the Legislature shall be prepared; and the Governor shall require that all requests for

appropriations be submitted to him on such blanks or forms."

The amendment was adopted.

The bill, as amended, was passed to engrossment.

#### Record of Vote

Senator Hardeman asked to be recorded as voting "nay" on the passage of S. B. No. 413 to engrossment.

#### Senate Bill 413 on Third Reading

Senator Phillips moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 413 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—27

Aikin	Lane
Ashley	Lock
Bell	Martin
Bracewell	McDonald
Bullock	Moffett
Carney	Nokes
Carter	Phillips
Colson	Russell
Corbin	Shofner
Fuller	Strauss
Hazlewood	Tynan
Hudson	Wagonseller
Kelley of Hidalgo	Weinert
Kelly of Tarrant	

#### Nays—1

Hardeman

#### Absent

Parkhouse Vick

#### Absent—Excused

Moore

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

#### Record of Vote

Senator Hardeman asked to be recorded as voting "nay" on the final passage of S. B. No. 413.

#### Senate Bill 406 on Second Reading

On motion of Senator Ashley, and by unanimous consent, the regular

order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 406, A bill to be entitled "An Act amending Article 432 of the Penal Code of Texas, as amended by the Acts of the 51st Legislature, 1949, Chapter 126, page 227, so as to provide that same shall not apply to persons holding offices or positions for two (2) years prior to the time an officer or board member related to them takes office, repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

The bill was read second time and passed to engrossment.

#### Senate Bill 406 on Third Reading

Senator Ashley moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 406 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—25

Aikin	Lock
Ashley	Martin
Bracewell	McDonald
Bullock	Moffett
Carney	Nokes
Carter	Parkhouse
Colson	Russell
Corbin	Shofner
Fuller	Strauss
Hazlewood	Tynan
Kelley of Hidalgo	Wagonseller
Kelly of Tarrant	Weinert
Lane	

#### Nays—2

Hardeman Hudson

#### Absent

Bell Vick  
Phillips

#### Absent—Excused

Moore

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

#### Yeas—26

Aikin	Bell
Ashley	Bracewell

Bullock	Lock
Carney	McDonald
Carter	Moffett
Colson	Nokes
Corbin	Parkhouse
Fuller	Russell
Hazlewood	Shofner
Hudson	Strauss
Kelley of Hidalgo	Tynan
Kelly of Tarrant	Wagonseller
Lane	Weinert

Nays—2

Hardeman                  Martin

Absent

Phillips                  Vick

Absent—Excused

Moore

**Senate Bill 370 on Second Reading**

On motion of Senator Kelly of Tarrant, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 370, A bill to be entitled "An Act amending Section 5(c) of S. B. 81, Chapter 178, Acts of the 49th Legislature, Regular Session, 1945, codified as Article 4477-1, Sec. 5(c) of Vernon's Texas Civil Statutes, so as to provide that no privy shall be constructed or maintained in any unincorporated village which shall hereafter come within the provisions of Article 4434-35 of the Revised Civil Statutes of Texas, 1925, as amended, which is located within 1320 feet of any water well used for drinking water purposes and that the construction, maintenance, and use of any such privy shall be a nuisance; and declaring an emergency."

The bill was read second time.

(President in Chair)

Senator Kelly of Tarrant offered the following amendment to the bill:

Amend S. B. No. 370 by adding at the end of "(c)" in Section 1, the following:

"Provided, however, that this Act shall not apply to any county having less than 350,000 inhabitants according to the last preceding Federal census.

The amendment was adopted.

On motion of Senator Kelly of Tarrant, and by unanimous consent, the caption was amended to conform to the body of the bill, as amended.

The bill, as amended, was passed to engrossment.

**Senate Bill 370 on Third Reading**

Senator Kelly of Tarrant moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 370 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—25

Aikin	Lock
Bell	Martin
Bracewell	McDonald
Bullock	Moffett
Carney	Nokes
Carter	Parkhouse
Colson	Phillips
Fuller	Shofner
Hazlewood	Strauss
Hudson	Tynan
Kelley of Hidalgo	Wagonseller
Kelly of Tarrant	Weinert
Lane	

Nays—2

Ashley                  Hardeman

Absent

Corbin                  Vick  
Russell

Absent—Excused

Moore

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—21

Aikin	Martin
Bullock	McDonald
Carney	Nokes
Carter	Parkhouse
Colson	Phillips
Fuller	Russell
Hudson	Shofner
Kelley of Hidalgo	Strauss
Kelly of Tarrant	Tynan
Lane	Wagonseller
Lock	

Nays—7

Ashley                  Bell

Bracewell  
Hardeman  
Hazlewood

Moffett  
Weinert

Absent

Corbin

Vick

Absent—Excused

Moore

#### Bills and Resolutions Signed

The President signed in the presence of the Senate, after the captions had been read, the following enrolled bills and resolutions:

S. B. No. 426, A bill to be entitled "An Act making an appropriation of the sum of Five Hundred Thousand (\$500,000.00) Dollars or so much thereof as may be necessary, out of any funds in the State Treasury not otherwise appropriated, to pay the contingent expenses, and to pay the mileage and per diem of members and the per diem of officers and employees of the 52nd Legislature, and to pay any unpaid accounts or expenses of the 51st Legislature; and declaring an emergency."

H. B. No. 470, A bill to be entitled "An Act fixing the salaries of County Commissioners in certain counties; repealing all laws in conflict to the extent of the conflict; and declaring an emergency."

H. B. No. 78, A bill to be entitled "An Act amending Acts 1947, 50th Legislature, page 550, Chapter 325, relating to Firemen's and Policemen's Civil Service in cities over 10,000, and commonly known as Article 1269M; providing that the Civil Service Commission may on application grant Military Leave Without Pay, to members of Fire and Police Departments to enable them to enter military service; etc.; and declaring an emergency."

H. B. No. 105, A bill to be entitled "An Act to make it the duty of and to direct the State Highway Department to erect and maintain signs showing the maximum lawful speed for commercial motor vehicles, truck tractors, trailers, and semi-trailers (trucks); and motor vehicles engaged in the business of transporting passengers for compensation or hire (buses); providing where such signs shall be erected and maintained; and declaring an emergency."

H. B. No. 520, A bill to be entitled "An Act authorizing the State Board of Control to allow the board of trustees of any school district to purchase privately owned or contracted school buses now in operation in the transportation of school children; providing that the Board of Control shall determine the purchase price of such purchase; providing this Act shall not be construed to prohibit private owners from selling their buses on the open market; providing that this Act shall be cumulative of Article 634 (B) of Chapter 3, Title 20, Revised Civil Statutes of Texas, 1925; and declaring an emergency."

H. B. No. 275, A bill to be entitled "An Act limiting the provisions of this Act to the counties of Comanche, Mills, Jack, Young, Stephens, Palo Pinto, Eastland, Erath and Hood, making it unlawful, except under the provisions of this Act, for any person to hunt, take, kill or possess, etc.; and declaring an emergency."

H. B. No. 264, A bill to be entitled "An Act to authorize the County Tax Collectors of all counties having a population of five hundred thousand (500,000) or more, according to the last preceding Federal census, or any future Federal census, to cause to be compiled a delinquent tax record of delinquent taxes not barred, where such county has as many as two (2) years delinquency, and the compiled delinquent records shall be examined by the Commissioners Court and the Comptroller or governing body; the payment for the compilation of such delinquent tax records shall be authorized at actual cost to the Tax Collector, proportionately from each the State and county taxes, or municipal first collected from such record, such cost in no case to exceed a sum equal to eight cents (8c) per item or written line on the original copy of such record, and in no instance is any compiling cost to be charged to the taxpayer, etc.; and declaring an emergency."

H. B. No. 290, A bill to be entitled "An Act to provide a method by which a corporation may adopt and carry out a plan for the allotment and sale of shares of stock to its employees, including officers of such corporation, or of subsidiary corporations, at a price equal to or less than the market value thereof, upon such terms and conditions and un-

der such restrictions as its directors may prescribe; and declaring an emergency."

H. B. No. 528, A bill to be entitled "An Act providing that the Official Shorthand Reporter for the County Court at Law No. 1, of Bexar County, Texas, and the Official Shorthand Reporter for the County Court at Law No. 2, of Bexar County, Texas, shall each receive an annual salary of five thousand, five hundred (\$5,500) dollars, providing for the manner of payment of said salaries and out of what fund; and creating an emergency."

H. B. No. 38, A bill to be entitled "An Act amending Article 4810, Chapter 7, Title 78, of the Revised Civil Statutes of Texas of 1925, relating to contingency reserves of mutual, level premium legal reserve life insurance companies organized under the provisions of Chapter 7, Title 78, Revised Civil Statutes of Texas of 1925; giving to the Board of Insurance Commissioners authority to issue appropriate orders; etc.; and declaring an emergency."

H. B. No. 206, A bill to be entitled "An Act providing for the compensation of County Treasurers in all counties having a population of Six Hundred Thousand (600,000) inhabitants or more according to the last preceding Federal census or any future Federal census; providing for the appointment and compensation of assistants; repealing all laws in conflict herewith; and declaring an emergency."

H. B. No. 679, A bill to be entitled "An Act authorizing the Commissioner of the General Land Office to reinstate sales of land in Howard County forfeited prior to September 1, 1945, and on which applications have been filed for reinstatement prior to March 15, 1951, and on which there are no intervening rights of a third person; providing that payment of all interest shall be made prior to March 15, 1951; and declaring an emergency."

H. B. No. 694, A bill to be entitled "An Act to amend Senate Bill No. 354, Chapter 517, page 842, General and Special Laws, Regular Session, 1941, 47th Legislature, also known and designated as Article 2815g-1a of the Revised Civil Statutes of 1925, pertaining to salaries of the County Board of School Trus-

tees in certain counties; providing that Articles 2815a, 2815b, 2815c, 2815d, 2815e, 2815f, 2815g, and 2815g-1 shall not apply to counties of more than four hundred fifty thousand (450,000) population and less than five hundred fifty thousand (550,000) population according to the last preceding Federal census; providing that in such counties that members of the County Board of School Trustees of such counties shall receive Five (\$5.00) Dollars per day for their services, etc., and declaring an emergency."

H. B. No. 256, A bill to be entitled "An Act amending Chapter 412, Acts of the Regular Session of the 50th Legislature, an Act increasing the maximum annual fees that may be retained by Justices of the Peace and Constables in certain counties and prescribing a limit to the expense of such officers, repealing all laws in conflict and declaring an emergency."

H. B. No. 554, A bill to be entitled "An Act authorizing certain cities, which have heretofore annexed or hereafter may annex territory within certain Water Control and Improvement Districts, to purchase the assets and properties of said districts; to assume all of the debts, liabilities and obligations of said districts in payment thereof; to assume, discharge and perform the services and functions of said districts; to issue refunding bonds or bonds for the purpose of paying or refunding the obligations of said districts; providing for the levy and collection of a tax to pay such obligations; authorizing the sale of their assets and properties to such cities by such districts; etc.; and declaring an emergency."

H. B. No. 328, A bill to be entitled "An Act amending Section 5, Article 46A, Title 3, of the Revised Civil Statutes, providing that the petitioner for adoption of a child, and the child to be adopted, if fourteen years of age or over, be required to attend the adoption hearing, and providing an exception for certain members of the Armed Services of the United States of America and declaring an emergency."

H. B. No. 187, A bill to be entitled "An Act amending Sections 1 and 2 of Chapter 206, House Bill No. 683, Acts 50th Legislature, 1947 (Article

326k-12, Vernon's Civil Statutes), so that the maximum salary of investigators and assistants appointed by the district attorney or criminal district attorney is increased to \$4,800.00 and that the maximum salary of the stenographer appointed by the district attorney is increased to \$3,000.00; and declaring an emergency."

H. B. No. 56, A bill to be entitled "An Act amending Article 2094 of the Revised Civil Statutes of Texas of 1925, as amended by Acts of the Forty-first Legislature, Regular Session, 1929, Chapter 43, page 89, as amended by Acts of the Fifty-first Legislature, Regular Session, 1949, Chapter 467, page 868, and as amended by Acts of the Fifty-first Legislature, First Called Session, 1950, Chapter 6, page 47, relating to the selection of jurors for service in the district and county courts, etc., and declaring an emergency."

H. B. No. 394, A bill to be entitled "An Act to amend Article 4708, Revised Civil Statutes of 1925, as amended, and declaring an emergency."

H. B. No. 310, A bill to be entitled "An Act creating the County Court at Law No. 3 of Harris County, Texas; providing for the organization thereof and practice therein, etc.; and declaring an emergency."

H. B. No. 207, A bill to be entitled "An Act authorizing the Commissioners' Courts of certain counties to create and establish safety zones on county roads; authorizing regulations relative to operation of motor vehicles; providing for the regulation of stopping, standing, or parking; providing penalties for violation of the provisions of this Act; providing a savings clause; and declaring an emergency."

H. C. R. No. 39, Granting W. H. Hutchinson and wife permission to sue the State of Texas and the State Highway Department.

H. C. R. No. 23, Granting The Fairmont Foods Co. permission to sue the State.

H. C. R. No. 67, Suspending Joint Rules of both Houses in order to consider S. B. No. 12.

H. C. R. No. 68, Honoring Judge C. V. Terrell on his ninetieth birthday.

S. C. R. No. 26, Granting Dr. J. L. Fenlaw of Gilmer, Upshur County, Texas, permission to sue the State.

S. C. R. No. 42, In memory of J. Thomas Davis.

S. C. R. No. 49, In memory of Steve Cooke.

S. C. R. No. 33, Proposing that the Texas Legislative Council be requested to study the problems of urban local government units.

#### Senate Joint Resolution 12 on Third Reading

On motion of Senator Fuller, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its third reading and final adoption:

S. J. R. No. 12, Proposing an amendment to the Constitution of the State of Texas to provide a four-year term of office for elective State, district, county and precinct offices and for members of the House of Representatives and to provide a six-year term of office for members of the State Senate; staggering the terms of such offices by having certain holders of such offices be elected for terms of varying length in the November, 1951, special election; and providing for the necessary proclamation and election; and providing necessary appropriation for holding an election.

The resolution was read third time.

On motion of Senator Fuller, and by unanimous consent, the caption of the resolution was amended to conform to the body of the resolution, as amended.

The resolution was adopted by the following vote:

#### Yeas—22

Ashley	Kelly of Tarrant
Bell	Lane
Bullock	Lock
Carney	Parkhouse
Carter	Phillips
Colson	Russell
Corbin	Shofner
Fuller	Strauss
Hazlewood	Tynan
Hudson	Vick
Kelley of Hidalgo	Wagonseller

#### Nays—7

Aikin	Bracewell
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Hardeman  
Martin  
McDonald

Nokes  
Weinert

Absent

Moffett

Absent—Excused

Moore

#### Motion To Place Senate Bill 39 on Second Reading

Senator Carney asked unanimous consent to suspend the regular order of business and that S. B. No. 39 be laid out for consideration at this time.

There was objection.

Senator Carney then moved to suspend the regular order of business and that S. B. No. 39 be laid out for consideration at this time.

The motion was lost by the following vote (not receiving a two-thirds vote of the members present):

Yeas—15

Aikin	Kelly of Tarrant
Bell	Lock
Bracewell	Parkhouse
Carney	Phillips
Carter	Shofner
Colson	Wagonseller
Fuller	Weinert
Kelley of Hidalgo	

Nays—14

Ashley	Martin
Bullock	McDonald
Corbin	Nokes
Hardeman	Russell
Hazlewood	Strauss
Hudson	Tynan
Lane	Vick

Absent

Moffett

Absent—Excused

Moore

#### Senate Bill 271 on Second Reading

On motion of Senator Bullock, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 271, A bill to be entitled "An Act amending Section 57, House Bill No. 407, Chapter 4, Acts of the

Forty-sixth Legislature as amended by Chapter 272, Acts of the Forty-eighth Legislature, Regular Session, 1943; providing for the disposition of monies derived from the Certificate of Title Act; and declaring an emergency."

The bill was read second time and passed to engrossment.

#### Senate Bill 271 on Third Reading

Senator Bullock moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 271 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—25

Aikin	Kelly of Tarrant
Ashley	Martin
Bell	Moffett
Bracewell	Nokes
Bullock	Parkhouse
Carney	Phillips
Carter	Russell
Colson	Shofner
Corbin	Strauss
Fuller	Tynan
Hardeman	Vick
Hazlewood	Wagonseller
Kelley of Hidalgo	

Nays—1

Lane

Absent

Hudson	McDonald
Lock	Weinert

Absent—Excused

Moore

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

#### Senate Bill 295 on Second Reading

On motion of Senator Bracewell, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 295, A bill to be entitled "An Act regulating the possession, handling, sale, and distribution of barbiturates, amphetamine, and

desoxyephedrine, or any compound, manufactured mixture, or preparation thereof, except those preparations intended for nasal or other external uses, providing penalties for violations of this Act, providing for injunctions against defendants convicted of violations of this Act, and declaring an emergency."

The bill was read second time.

Senator Hardeman offered the following amendment to the bill:

Amend S. B. No. 295 by adding a new section to be known as Sec. 10a to read as follows:

"Sec. 10a. Any legal proceedings instituted under the provisions of this Act by the Board shall be by any County Attorney, District Attorney or the Attorney General. The Board is hereby specifically prohibited from employing private counsel in any legal proceedings instituted by or against said Board under the provisions of this Act."

The amendment was adopted.

On motion of Senator Hardeman, and by unanimous consent, the caption was amended to conform to the body of the bill, as amended.

The bill, as amended, was passed to engrossment.

#### Senate Bill 295 on Third Reading

Senator Bracewell moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 295 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—26

Aikin	Lane
Ashley	Lock
Bell	Martin
Bracewell	McDonald
Bullock	Moffett
Carney	Nokes
Carter	Parkhouse
Corbin	Phillips
Fuller	Russell
Hardeman	Shofner
Hazlewood	Strauss
Kelley of Hidalgo	Vick
Kelly of Tarrant	Wagonseller

#### Absent

Colson	Tynan
Hudson	Weinert

#### Absent—Excused

Moore

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

#### Yeas—28

Aikin	Lane
Ashley	Lock
Bell	Martin
Bracewell	McDonald
Bullock	Moffett
Carney	Nokes
Carter	Parkhouse
Colson	Phillips
Corbin	Russell
Fuller	Shofner
Hardeman	Strauss
Hazlewood	Tynan
Kelley of Hidalgo	Vick
Kelly of Tarrant	Wagonseller

#### Absent

Hudson	Weinert
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#### Absent—Excused

Moore

#### House Bills and Resolution on First Reading

The following bills and resolution received from the House, were read first time and were referred to the committees indicated:

H. B. No. 384—To Committee on Rules.

H. B. No. 412—To Committee on Counties and County Boundaries.

H. B. No. 314—To Committee on Towns and City Corporations.

H. J. R. No. 22—To Committee on Constitutional Amendments.

H. B. No. 490—To Committee on Counties and County Boundaries.

H. B. No. 351—To Committee on Counties and County Boundaries.

H. B. No. 376—To Committee on State Affairs.

H. B. No. 453—To Committee on Game and Fish.

H. B. No. 542—To Committee on Civil Jurisprudence.

H. B. No. 479—To Committee on Civil Jurisprudence.

**Adjournment**

On motion of Senator Hardeman, the Senate at 12:35 o'clock p. m. adjourned until 10:30 o'clock a. m. tomorrow.

**FIFTY-NINTH DAY**

(Wednesday, April 25, 1951)

The Senate met at 10:30 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Lock
Ashley	Martin
Bell	McDonald
Bracewell	Moffett
Bullock	Moore
Carney	Nokes
Carter	Parkhouse
Colson	Phillips
Corbin	Russell
Fuller	Shofner
Hardeman	Strauss
Hudson	Tynan
Kelley of Hidalgo	Vick
Kelly of Tarrant	Wagonseller
Lane	Weinert

**Absent**

Hazlewood

A quorum was announced present.

The Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

**Reports of Standing Committees**

Senator Kelly of Tarrant submitted the following reports:

Austin, Texas,  
April 25, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Insurance, to whom was referred H. B. No. 648, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

KELLY of Tarrant, Chairman

Austin, Texas,  
April 25, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Insurance, to whom was referred H. B. No. 173, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

KELLY of Tarrant, Chairman

Senator Carney submitted the following reports:

Austin, Texas,  
April 25, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred H. B. No. 543, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

CARNEY, Chairman

Austin, Texas,  
April 25, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred H. B. No. 431, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

CARNEY, Chairman

Austin, Texas,  
April 25, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred H. B. No. 696, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

CARNEY, Chairman

Austin, Texas,  
April 25, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred H. B. No. 442, have had the same under consideration, and I am in-